

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Robert Jurca, Bill Seuell, Kay Carlquist, and Guy Pfalzgraff, along with City Manager Lanny Sloan and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Carlquist and seconded by Councilmember Seuell to approve the minutes of the Special and Regular Meetings of June 24, 2008 as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Linda Stahly stated that she is the president of the VFW. They are having their 70th anniversary celebration at Cleland Park this Friday and she wanted to invite Council to attend.

Fran Goetz addressed the problem with feral cats within the City of Delta.

3.2 Beer License Renewals: McGovern Enterprises, Inc./DBA Pizza Hut; City Market

The Clerk reported that both applications were complete and the fees have been paid. The Police Department reports that both have no liquor code violations during the past year. Staff recommends approving both renewals.

It was moved by Councilmember Jurca and seconded by Councilmember Seuell to approve the 3.2 Beer License Renewals for McGovern Enterprises, Inc./DBA Pizza Hut and City Market. All in favor, motion carried.

Public Hearing: New Hotel/Restaurant Liquor License Application; Delta El Tapatio, Inc./DBA El Tapatio

The Mayor closed that regular meeting and convened the public hearing.

The Clerk explained that Delta El Tapatio, Inc./DBA El Tapatio have submitted a new Hotel/Restaurant Liquor License Application for their new restaurant located at 353 Main Street. The application is completed and the application fees have been paid. Francisco Blas Espinoza is the owner and his fingerprints have been submitted to CBI and FBI for a background investigation. Chief Robert Thomas did complete a background investigation through CCIC/NCIC and found no record. A notice of public hearing was posted at the store and was also published in the Delta County Independent. There have been no comments either for or against the new liquor license. Staff would recommend that the approval be contingent of favorable fingerprints on the owner.

The Mayor called for public comment. We there was none she closed the public hearing and reconvened the regular meeting.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to approve the Hotel/Restaurant Liquor License for Delta El Tapatio, Inc./DBA El Tapatio contingent on receiving favorable fingerprints on the owner. All in favor, motion carried.

Appeal of the June 2, 2008 Planning Commission Decision on the Rial Variance and Change in Non-conforming Use Request

Community Development Director Glen Black stated this is an appeal on the Rial variance and change in non-conforming use request. The recording of the Planning Commission meeting was listened to tonight during the work session. It is now before Council to uphold or reverse the Planning Commission decision.

Regular Meeting, Delta City Council, July 8, 2008 (Cont.)

Appeal of the June 2, 2008 Planning Commission Decision (cont.)

Attorney Mike Schottelkotte explained the procedures that need to be followed.

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to uphold the Planning Commission decision to deny Rial variance request. All in favor, motion carried.

It was moved by Councilmember Seuell and seconded by Councilmember Plazgraff to reverse the Planning Commission decision to grant the Rial change in non-conforming use request. All in favor, motion carried.

Public Hearing: Appeal of the May 5, 2008 Planning Commission Decision on the Burns/Miles Rezone Request

Councilmember Pfalzgraff recused himself and left the meeting room.

The Mayor closed the regular meeting and convened the public hearing.

City Planner James Shoopman stated that this is an appeal of the May 5, 2008 Planning Commission decision on the Burns/Miles rezone request. The property is located at 1749A and 1749B H Road (Crawford Avenue). The owners are Lawrence Burns and Peter Miles who is being represented by Colorado Rural Housing Development Corporation (CRHDC). The property contains two (2) parcels totaling approximately 5 acres. The applicant is requesting a change in zoning from A-1 to B-2 to allow high density migrant housing.

Mr. Shoopman explained that according to section 17.04.270 of the City Municipal Code, amendments to the zoning map involving any change in the boundaries of an existing or changing the district designation of an area shall be allowed only upon findings as follows:

1. The amendment is not adverse to the public health, safety, and welfare; and
2. a. The amendment is in substantial conformity with the Master Plan; or
b. The existing zoning is erroneous; or
c. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.

Planning Commission reviewed this request at the May 5, 2008 meeting. Planning Commission recommended to not approve the change in zone district. An appeal was filed by the CRHDC. Staff recommends that Council uphold the Planning Commission decision denying the request for a change in zone district from A-1 to B-2.

Mr. Shoopman answered questions from Council on the comp plan for this area. He stated that this request has brought up some new understandings by staff. During this process staff now realizes that there are some major improvements that need to be made in this area to include streets, intersections, and CDOT requirements.

Aaron Clay, Attorney for the applicant, stated that the applicant has three witnesses. Al Gold will explain what the applicant is and does and some history on the project. Jo Unteed will talk more about this project and how this specific development fit into the City of Delta's comp plan. Peter Miles will then explain how he developed the adjacent property and how this will fits in with the design for this area when it was subdivided several years ago. Mr. Clay also addressed the comp plan.

Al Gold with Colorado Rural Housing Development Corporation explained that this is a statewide program that has been in existence for over 10 years. He stated that this is a lease to own program to help individuals become homeowners. Mr. Gold also explained who this will heap to include seniors and migrant workers. He explained how the program works. Mr. Gold showed pictures of housing that has been completed with this program. He also presented Council with a packet that included letters from the Town of Center and the City of Alamosa supporting the program. Mr. Gold addressed land development for these projects.

Jo Unteed also with Colorado Rural Housing Development Corporation explained how this project works and stated that this project is not a low-end construction. They plan to have a budget around 6 to 8 million dollars. They have received a grant in the amount of 3 million dollars for the project for the City of Delta. Ms. Unteed stated that they have been working on this for three years to find a suitable location for this project.

Regular Meeting, Delta City Council, July 8, 2008 (Cont.)

Public Hearing; Appeal of Planning Commission Decision (cont.)

Ms. Unteed stated that there would be approximately 41 units of multi family townhouse housing, three to seven family owned homes that would buffer the houses that are on 1725 Road. She explained that USDA provides a major part of the funds and has guidelines they would put into place for this project. She also explained how the rental assistance works for the families.

Ms. Unteed addressed the comp plan and how this project would fit within the plan.

Peter Miles, 1749 H Road, representing the owners of the property stated that he is not here to talk about the project. He explained the background of the property from the time it was annexed into the City and the reasons for subdividing. He addressed the concerns on the irrigation ditch, water lines, utility easements and the infrastructure in the area. Mr. Miles also addressed the safety issue about traffic on H Road/Crawford Avenue.

Ron Henderson, 335 Pineview, Montrose, stated that he is not connected to this project financially. He has been working on providing affordable housing for nurses, teaches, police officer, deputies, and migrant workers. He stated that there is a need for affordable housing in the western slope area.

Dewey Tanner, 650 1725 Road, stated that he feels that this property is appropriately zoned. For anybody that wants to move in and subdivide to put affordable homes that will fit reasonably in that area he would not object. He feels that the infrastructure does not support the amount of people this project would bring into the area. He addressed Mr. Gold's statement as to who this project would benefit.

Bonnie Koehler, 1762 H Road, explained her concerns on the density. She stated that she works for the Health Department and 90% of the population that she serves is non-legal migrants. Colorado's right to work law requires that who have documented migrants. She is supporting the Planning Commission's decision.

Dennis Erhart, 620 1725 Road, stated that he would like to remind Council that this hearing is not to determine the need for affordable housing in our community, it is for determining appropriateness and suitability for this property. It was stated at the Irwen rezone appeal that H Road/Crawford Ave could not support the traffic that the rezone would recreate and that no improvement is scheduled at this time. Mr. Erhart presented slides of H Road/Crawford Ave.

Jeremy Geddes, 640 1725 Road, presented argument about property values and traffic.

Mr. Clay stated the request for rezone meets the all the criteria. He explained that Council can make a conditional rezone. Mr. Clay addressed Ms. Koehler's concerns on non-legal migrant workers. He also stated that they are proposing to fix portions of H Road with this rezone request to make it safer that it currently is. He stated that they would urge Council to reverse the Planning Commission's decision on this rezone request.

There was discussion on conditional rezoning and density requirements.

Mr. Shoopman stated that staff has two major concerns with this rezone. One is the safety of road that has been addressed. The other is the infrastructure and he explained those concerns.

Mr. Erhart requested that Council uphold the Planning Commission's decision because of the safety concerns and due to the revised comp plan is designed to keep this area low density.

Mr. Clay stated that the current proposed comp plan shows this area is for medium density.

The Mayor closed the public hearing and reconvened the regular meeting.

There was discussion on the safety issue.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to deny the applicant's request for a change in zone district from A-1 to B-2. All in favor, motion carried.

The Mayor called for a short recess at 8:47 p.m.

The regular meeting was reconvened at 8:50 p.m.

Regular Meeting, Delta City Council, July 8, 2008 (Cont.)

Resolution #5, 2008; Setting a Public Hearing on the Annexation of the Lee Annexation

City Planner James Shoopman explained that this property is located south of the North Delta Canal just west of the end of 1525 Road. Annexation of this property would be required as part of a boundary adjustment between two properties. One parcel is in the City owned by Vernon Nutter and one parcel is currently located in the County owned by Mark Lee. Kevin Bray of Bray Realty is currently working on a development proposal for the Nutter property. This is before Council tonight to adopt Resolution #5, 2008, setting a public hearing for the annexation of the Lee Addition.

Resolution #5, 2008

A RESOLUTION OF THE CITY OF DELTA SETTING A PUBLIC
HEARING ON THE ANNEXATION OF THE LEE ADDITION

was read by the Clerk.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Seuell to adopt Resolution #5, 2008. Roll call vote: Councilmembers Jurca aye, Seuell aye, Carlquist aye, Pfalzgraff aye and Cooper aye. Motion carried.

Purchase of 105 Columbia Street

Assistant City Manager Steve Glammeyer explained that Council had authorized staff to have the City Attorney prepare a purchase agreement for the house located at 105 Columbia Street. Mr. Schottelkotte has prepared the agreement and the owner has signed that agreement agreeing to sell the house for the appraised price of \$115,000. Staff is recommending purchase of this house and property for the appraised price for future right-of-way for the Confluence Drive project.

Attorney Mike Schottelkotte stated that there is an error in the legal description and would recommend the approval to be contingent on the correct legal description.

It was moved by Councilmember Carlquist and seconded by Councilmember Pfalzgraff to direct the City Manager to sign the purchase contract with the approved changes and staff to set the matter for closing for the property at 105 Columbia Street. Motion carried.

Purchase of 139 Columbia Street

Assistant City Manager Steve Glammeyer explained that Council has also authorized staff to have City Attorney prepare a purchase agreement for the house located at 139 Columbia Street. Mr. Schottelkotte has prepared that agreement and the owner has signed that agreement to sell the house for the appraised price of \$130,000. Staff is recommending purchase of this house and property for the appraised price for the future right-of-way for the Confluence Drive project.

It was moved by Councilmember Carlquist and seconded by Councilmember Pfalzgraff to direct the City Manager to sign the purchase contract and staff to set the matter for closing for the property at 139 Columbia. Motion carried.

City Hall Re-roof and Museum Roof Repair Project

Assistant City Manager Steve Glammeyer stated that during the budget process there was \$100,000 budgeted to repair to the roof at City Hall and the HVAC system. This winter and spring staff realized that repairs to the Museum roof also needed to be addressed. Staff contracted a roofing consultant that specializes in inspecting roof systems and making recommendations on what roof systems to install. We did bid this project to replace the roof at City Hall and make major repairs to the roof at the Museum according to these specifications. Staff held a mandatory pre-bid walkthrough and had six (6) contractors attend. We received a one (1) bid and one letter of no-bid. Staff recommends that Council approve the bid from OCI Construction, Inc. for both construction projects in the amount of \$97,300. This includes accepting the 20 year warranty bid alternate.

Regular Meeting, Delta City Council, July 8, 2008 (Cont.)

City Hall Re-roof and Museum Roof Repair Project (cont.)

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to have the City enter into contract with OCI Construction, Inc. for the City Hall roof replacement and Museum roof repair in the amount of \$97,330 and authorize the City Manager to sign said contract pending approval from the City Attorney. All in favor, motion carried.

City Attorney Comments

City Attorney Michael Schottelkotte reminded Council that he is requesting an Executive Session for Tri-County when they are ready. He also stated that he will be out of the office the week of July 21, 2008.

City Manager Comments

City Manager Lanny Sloan stated that the mini retreat is scheduled for July 16th & 17th at the Rec Center starting at 5:30pm.

Councilmember Comments

Councilmember Pfalzgraff stated that governor Bill Ritter has put together a job cabinet. There is a meeting to address workforce issues in Durango and there will be one later in Aspen also.

The meeting was adjourned at 9:06 p.m.

Jolene E. Nelson, City Clerk